

Judge Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER BOYD McILWAIN,  
ALEJANDRO BARRAGAN,  
RICHARD DENNIS MILLER,  
CHARLES CLAY WINANS,  
BRANDON LEE PENN, and  
JOSE MENDOZA,

Defendants.

NO. CR05-5504FDB

ORDER GRANTING  
CONTINUANCE OF TRIAL  
AND RELATED DATES

THIS MATTER comes on before the Court on the motion to continue the trial date raised by counsel for defendant's Brandon Lee Penn, Walter Boyd McIlwain, Alejandro Barragan, Richard Dennis Miller, Charles Clay Winans and Jose Mendoza. The defendant's counsel having agreed to the continuance as well as counsel for the government, the court finds that:

1. The trial in this matter is scheduled for September 6, 2005, at 9:00 a.m. The pretrial cut off date was set at August 1, 2005, and the pretrial conference was scheduled for August 17, 2005.

2. Discovery was not received until August 1, 2005, there is a need for substantial investigation. Counsel will need time to prepare for trial and all counsel agree that to be adequately prepared, the trial date and the pre-trial motions date and conference dates should be extended.

1 3. The defendant's understand that to be adequately represented that a continuance is  
2 necessary.

3 4. The government consents to the continuance.

4 5. The ends of justice outweigh the best interests of the public and the defendant to a  
5 speedy trial. Failure to grant the continuance would deny counsel for Defendant's adequate time  
6 to effectively prepare for trial.

7 NOW, THEREFORE,

8 IT IS HEREBY ORDERED that the trial date is continued from September 6,  
9 2005 to December 5, 2005. The resulting period of delay from September 6, 2005, up to  
10 and including the new trial date of December 5, 2005, is hereby excluded for speedy trial  
11 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

12 Pretrial motions are due no later than September 14, 2005.

13 DATED this 16<sup>th</sup> day of August, 2005.  
14  
15

16 /s/ Franklin D Burgess  
17 FRANKLIN D. BURGESS  
18 United States District Judge  
19

20 Presented by:

21 s/ Gregory A. Gruber  
22 GREGORY A. GRUBER  
23 Assistant United States Attorney

24 /s/ Roger A Hunko  
25 Roger A Hunko  
Attorney for Defendant

26 /s/ Linda R Sullivan  
27 Linda R Sullivan  
Attorney for Defendant  
28

1 /s/ Charles A Johnston  
Charles A Johnston  
2 Attorney for Defendant

3 /s/ Keith Alexander MacFie  
Keith Alexander MacFie  
4 Attorney for Defendant

5 /s/ Michael Edward Schwartz  
Michael Edward Schwartz  
6 Attorney for Defendant

7 /s/ Phil L Brennan  
Phil L Brennan  
8 Attorney for Defendant